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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,373	10/14/2003	Walter T. Kochanski	GRD0200.US	4415

7590 05/20/2005

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EXAMINER	
STERLING, AMY JO	

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/685,373	**Applicant(s)** KOCHANSKI ET AL. ✓
	Examiner Amy J. Sterling	**Art Unit** 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) *12-19,38-41,43-47* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,20-37 and 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

This is the **Final Office Action** for application number 10/685,373 Electronic Device Support, filed on 10/14/03. Claims 1-47 are pending. Claims 12-19, 38-41 and 43-47 are withdrawn. This **Final Office Action** is in response to applicant's reply dated 3/3/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The disclosure is objected to because of the following informalities:

On page 7, line 17 "biasing element 32" should be changed to "biasing element 38".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11, 20-37 and 42 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claims 1, 20 and 30 recite a biasing element having a first end that directly contacts and indirectly contacts the elongate member and a second end which is totally enclosed within the support arm. The specification lacks an adequate description of how the first end of the biasing element can directly and indirectly contact the elongate member. The specification also lacks an adequate description of how the second end is mounted and enclosed with the support arm.

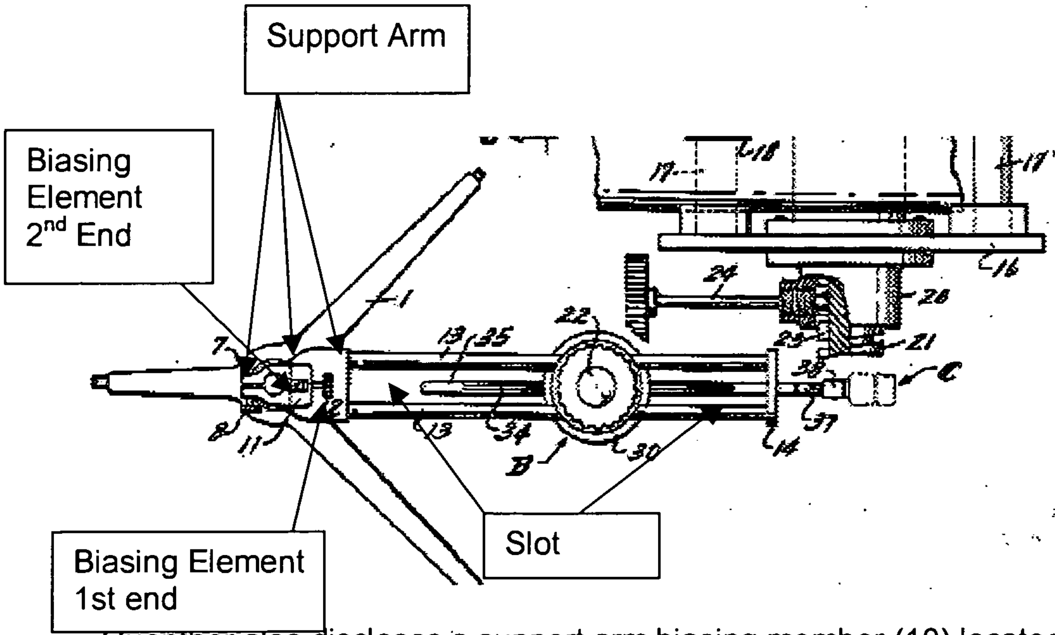
Claims 1-11, 20-37 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 20 and 30 recite a biasing element having a first end that one of directly contacts and indirectly contacts the elongate member and it is unclear if the limitations of "directly or indirectly contacts" are intended to be conjunctive or disjunctive. If the limitations are intended to be conjunctive, it is unclear how the biasing element can both directly and indirectly contact the elongate member. The claim was examined as if the elements were intended to be disjunctive.

Claim Rejections - 35 USC § 102

Claims 1-3, 6-10, 20-26, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2765796 to Guenther.

The patent to Guenther discloses an electronic device support having a cylindrical elongate member (2, 4) with a longitudinal first end and having a female member (2) slideably coupled with a male member (4) in a longitudinal direction of the elongate member, and a support arm (See Drawing Below) including a band (7) slideably and rotatably positioned around the elongate member (2,4) and a cantilever support arm (12, 13) extending from the band (7) which has a slot (See Drawing Below), extending in the longitudinal direction of the cantilever arm, and a platform mount (21) connected as a distal end of the cantilever support arm (12, 13) and an electronic device platform (25, 26, 30, 31) and a slide block (20) at a distal end of the support arm (12, 13), the device platform (25, 26, 31) which is slidably connected to the cantilever arm, wherein an electronic device (C) is slidably connected to the cantilever support arm (12, 13) and wherein the platform mount (21) is slideably connected to the extension side block (The term slideably meaning to change position or be dislocated from, see Webster's Dictionary).



Guenther also discloses a support arm biasing member (10) located at least partially within the support arm and providing a frictional holding force between the support arm and the elongate member, the support arm biasing element including a first end (See Drawing Above) indirectly contacts the elongate member (2,4) and a second end (See Drawing Above) totally enclosed within the support arm.

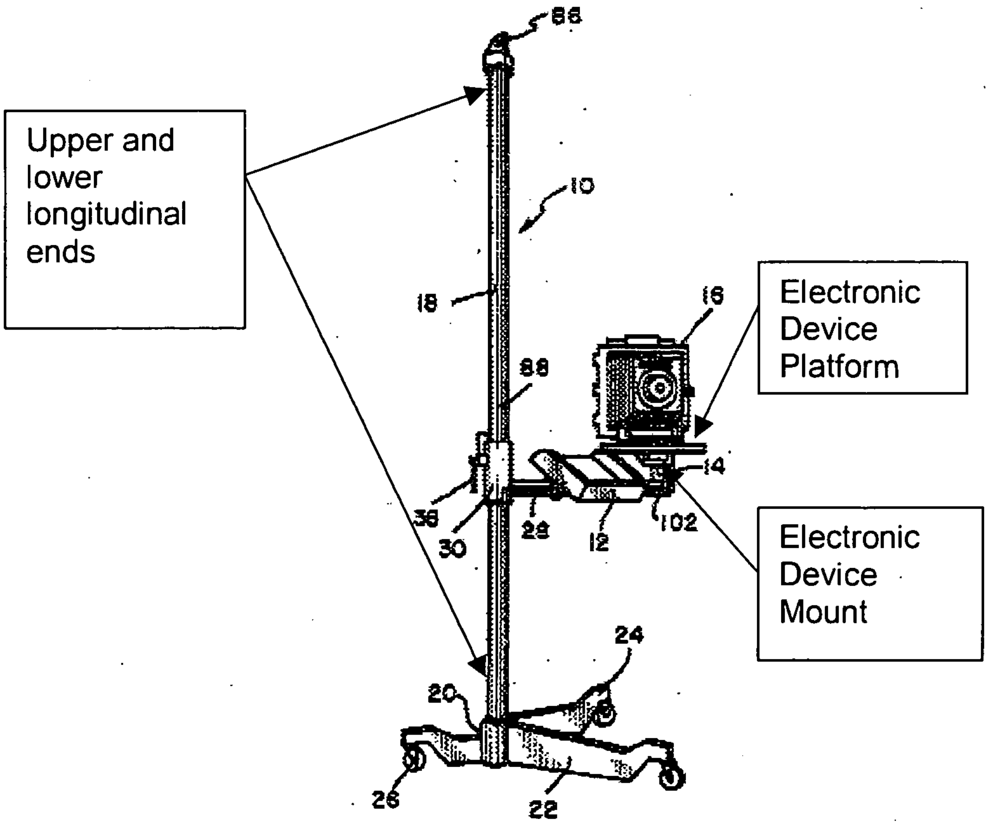
Claims 1, 11, 20 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 1188951 to Lacerda.

The patent to Lacerda shows a support device including an elongate member (23) with a longitudinal first end and a support arm (20, 31, 40, 50, 51) including a band (20, 31) and a cantilever arm (51, 50), the band being slideable and rotatable relative to the elongate member, and a bushing (21) between the elongate member and the band (31) and a spring detent (24) located in the band (20, 31) proximate to the bushing and a support arm biasing element (22) located in the spring detent.

Lacerda also discloses a support arm biasing member (22) located at least partially within the support arm and providing a frictional holding force between the support arm and the elongate member, the support arm biasing element including a first end indirectly contacts the elongate member and a second end totally enclosed within the support arm.

Claims 30, 31 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3533583 to Azim.

Azin shows an electronic support device (10) having a cylindrical elongate member (18) having an upper and lower longitudinal end (See Drawing Below), a support arm (28, 30) including a band (30) and a cantilever arm (28) extending from the band, the band positioned around the elongate member (18), the band being slideable and rotatable relative to the elongate member and a monitor mount (86, 172) (The device shows a motor being mounted to the monitor mount, but the aperture in 86 could be used to mount any desired device) connected to the upper end and a base (22) and having a handle recess attached to the lower end of the elongated pole, any recess could be used as a handle to pick up and carry the device (See Drawing Below), the base having a plurality of wheels (26) connected to the base (22).

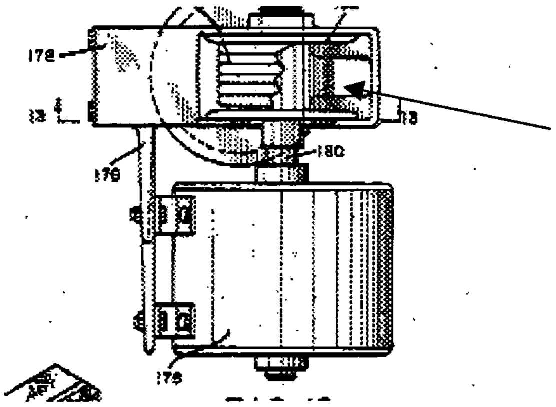


Upper and lower longitudinal ends

Electronic Device Platform

Electronic Device Mount

Azim also discloses a support arm biasing member (36) located at least partially within the support arm and providing a frictional holding force between the support arm and the elongate member, the support arm biasing element including a first end indirectly contacts the elongate member and a second end totally enclosed within the support arm.



Recess could be used as a handle if so desired

Claim Rejections - 35 USC § 103

Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5284260 to Caligiuri, Sr. and in view of United States Patent No. 2765796 to Guenther.

The patent to Caligiuri, Sr. teaches the basic inventive concept including a support device (10) with an elongate member (12, 14), with a male (12) and female (14) member slidably coupled together in a longitudinal direction, a spring biasing element (40) interposed between the male and female member in the longitudinal direction. Caligirui, Sr. shows that the device also has a support arm (50, 52) which includes a band (52) the band being slidably and rotatably positioned around the elongate member and a cantilever arm (50) extending from the band (52).

Caligiuri, Sr. does not teach a support arm biasing member located at least partially within the support arm and providing a frictional holding force between the support arm and the elongate member, the support arm biasing element including a first end indirectly contacts the elongate member (2,4) and a second end totally enclosed within the support arm.

Guenther discloses a support arm biasing member (10) located at least partially within the support arm and providing a frictional holding force between the support arm and the elongate member, the support arm biasing element including a first end (See Drawing Above) indirectly contacts the elongate member (2,4) and a second end (See Drawing Above) totally enclosed within the support arm. The biasing member used to frictionally secure the support arm to the elongate member. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Guenther to have added a biasing member in order to frictionally secure the support arm to the elongate member.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3533583 to Azim as applied to claim 30 above, and in view of United States Patent No. 2765796 to Guenther.

Azim discloses applicant's basic inventive concept, all the elements which are shown above and including an adjustable electronic device platform (See Drawing

Above) and platform mount (14) which are both connected to the cantilever arm (28). Azim does not show that the cantilever arm has a slot extending in a longitudinal direction, the electronic device and platform being slideably connected to the cantilever arm.

Guenther shows a support device with a cantilever arm (13) which has an electronic device platform (25, 26, 30, 31) and a mount (21), which are slideably mounted to the cantilever arm (13) via a longitudinal slot (See Drawing Above), used so that the mount and the platform are slideably adjustable relative to the support stand. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Guenther to have included this configuration in order to made the device adjustable in a slideable direction.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3533583 to Azim as applied to claim 30 above, and in view of United States Patent No. to 1188951 to Lacerda .

Azim discloses applicant's basic inventive concept, all the elements which are shown above with the exception that is does not show wherein there is a bushing in between the elongate member and the band and a spring element located in the band proximate to the bushing and a support arm biasing element located in the spring detent.

The patent to Lacerda shows a support device including an elongate member (23) with a longitudinal first end and a support arm (20, 31, 40, 50, 51) including a band

(20, 31) and a cantilever arm (51, 50), the band being slideable and rotatable relative to the elongate member, and a bushing (21) between the elongate member and the band (31) and a spring detent (24) located in the band (20, 31) proximate to the bushing and a support arm biasing element (22) located in the spring detent. This configuration is used so that the rotating band, does not frictionally wear on the elongated member and the spring detent is used to lock the rotating band in place. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Lacerda to have modified the device of Azim to have the above configuration in order to reduce wear between elements and to lock the device in a desired location.

Response to Arguments

The applicant has argued that the references as cited above do not disclose a biasing element as described by the claims. This is unpersuasive because the biasing element is clearly shown by the references as taught by the rejection above.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

AJS
Amy J. Sterling
5/14/05

ANITA KING
PRIMARY EXAMINER